

DISCIPLINARY ACTION

PUBLIC ADMONITION and TWO-YEAR PROBATION. Matter of Barbara A. Brodoway, Esquire, Board Case Nos. 36, 46, 58, and 59, 2003; Supreme Court No. 259, 2004. Effective Date: August 4, 2004.

By Order of the Delaware Supreme Court dated August 4, 2004, Barbara A. Brodoway, Esquire has been publicly admonished and placed on probation for a period of two years. From August 4, 2004 until the Court orders the probation is concluded, Brodoway may not practice alone or be personally responsible for compliance with accounting and bookkeeping standards. During the probationary period, Brodoway is also required to be supervised by a practice monitor who shall oversee Brodoway's administrative responsibilities.

Brodoway was admitted to the Bar in 1985. At the time of the professional misconduct at issue, she was engaged in the private practice of law, handling residential real estate transactions. The violations which led to Brodoway's public admonition involved trust accounting violations, including significant overdrafts in her real estate trust account which resulted when disbursements were made for settlements even though the funds had never been received. An investigative audit found that Brodoway's trust accounting records were not in compliance with Rule 1.15. These failures included more than 1,500 outstanding checks which had been issued but had not cleared Brodoway's trust accounts. There were also several client complaints regarding Brodoway's failures to complete post-closing work for real estate transactions.

Brodoway admitted numerous violations of the Rules, including violations involving competence, diligence, communication with clients, disbursement of fiduciary funds, trust accounting, "good funds," cooperation with ODC, conduct involving fraud, deceit or misrepresentation, conduct prejudicial to the administration of justice, and staff supervision. A finding was made that Brodoway recognized the wrongfulness of her conduct and was appropriately remorseful. In concluding that a suspension was not necessary under the circumstances, it was emphasized that Brodoway had made a substantial effort since January 2004 to rectify the consequences of her conduct and remedy the problems caused thereby.